UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLORADO

Dwayne A. Miller, Jr. v. Hizel Stevens Hunely

No. 25-cv-01292-SKC-CYC, United States District Court for the District of Colorado (March 2, 2026)

SUMMARY

The United States District Court for the District of Colorado denied the plaintiff's motion for monetary sanctions under Federal Rule of Civil Procedure 11(b)(1). The court explained that the defendant was required to respond to the operative amended complaint and that the sanctions motion failed to show compliance with Rule 11(c)(2)'s safe-harbor requirement.

CASE DETAILS

COURT	United States District Court for the District of Colorado
WRITING FOR THE COURT	Cyrus Y. Chung
JURISDICTION	United States District Court for the District of Colorado
DECIDED	March 2, 2026
DOCKET	25-cv-01292-SKC-CYC
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for monetary sanctions under Federal Rule of Civil Procedure 11(b)(1) based on defendant's filing of a partial motion to dismiss the second amended complaint. The district court denied the sanctions motion.
STANDARD OF REVIEW	Reasonableness under the circumstances governs Rule 11, and the district court has broad discretion to impose sanctions after finding a Rule 11 violation.
PRECEDENTIAL VALUE	unknown

TOPICS

sanctions · motions to dismiss · motion to amend · pleadings · civil procedure

PRACTICE AREAS

civil procedure · sanctions · pleadings

QUESTIONS PRESENTED

1. Whether the defendant was required to file a new response to the second amended complaint after the plaintiff amended his pleading.
2. Whether plaintiff's Rule 11 sanctions motion satisfied the separate-motion and twenty-one-day safe-harbor requirements of Rule 11(c)(2).
3. Whether the plaintiff was entitled to monetary sanctions under Rule 11.

HOLDINGS

1. When a plaintiff files an amended complaint after obtaining leave to amend, the amended complaint becomes the operative pleading, and the defendant must respond to it as if it were the only complaint filed in the case.
2. A Rule 11 sanctions motion must be separately served on the allegedly offending party at least twenty-one days before filing, and failure to comply with that safe-harbor requirement is fatal to the motion.
3. The motion for monetary sanctions was denied because plaintiff provided no evidence of compliance with Rule 11(c)(2) and filed the motion without awaiting a response as required by the local rule.

KEY QUOTATIONS

> *"A motion for sanctions must be made separately from any other motion and must describe the specific conduct that allegedly violates Rule 11(b). The motion must be served under Rule 5, but it must not be filed or be presented to the court if the challenged paper, claim, defense, contention, or denial is withdrawn or appropriately corrected within 21 days after service or within another time the court sets."*

> *"A failure to comply with this requirement is fatal to the motion."*

FACTUAL BACKGROUND

Plaintiff was granted leave to amend his claims, and his second amended complaint became the operative complaint. Defendant filed a new partial motion to dismiss and partial answer in response. Plaintiff sought Rule 11 sanctions, asserting that the motion to dismiss was presented for an improper purpose and to cause unnecessary delay. The court found no evidence that plaintiff served the sanctions motion and allowed the required twenty-one-day safe-harbor period before filing it.

PROCEDURAL HISTORY

Plaintiff amended his complaint after obtaining leave of court, making the second amended complaint the operative pleading. The court denied the defendant's earlier partial motion to dismiss as moot and required the defendant to respond to the second amended complaint with a new partial motion to dismiss and partial answer. Plaintiff then sought Rule 11 sanctions, but the court found no evidence that he complied with Rule 11(c)(2)'s safe-harbor requirement and denied the motion.

DISPOSITION

other

CASES CITED

- Cooter & Gell v. Hartmarx Corp., 496 U.S. 384, 393 (1990)
- Collins v. Daniels, 916 F.3d 1302, 1319 (10th Cir. 2019)
- Burkhart v. Kinsley Bank, 804 F.2d 588, 589 (10th Cir. 1986)
- Roth v. Green, 466 F.3d 1179, 1192 (10th Cir. 2006)
- Prairie Walk Condo. Ass’n v. Am. Ins. Co., No. 22-cv-00870-DDD-KAS, 2025 WL 2256852, at *4 (D. Colo. Aug. 6, 2025)

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